

7829.2300 CLASSIFICATION PETITION.

Subpart 1. **Summary.** A telephone utility filing a classification petition under Minnesota Statutes, section 237.59, shall include on a separate page a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the petition on the department and Residential Utilities Division of the Office of the Attorney General. The utility shall serve the petition or the summary described in subpart 1 on those persons on the applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the form or completeness of a classification petition shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 4. **Rejection of filings.** The commission shall reject a classification petition found to be substantially out of compliance with Minnesota Statutes, section 237.59, or with any other filing requirement imposed by rule or statute. A filing under this section not rejected within 45 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 5. **Initial comments.** A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the utility, department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 6. **Petition to intervene.** If a person who files initial comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the reply comment period expires. The intervention petition may be combined with comments on the filing and must be served on those persons entitled to receive service during the comment period when the intervention petition is filed.

Subp. 7. **Reply comments.** Commenting parties have ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments. Reply comments must be served on the utility and on those persons who have filed initial comments.

Subp. 8. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 9. **Comments on supplemental or corrected filing.** The commission shall provide opportunity for other parties to respond to a supplemental or corrected filing when the filing raises new issues.

Subp. 10. **Nature of proceeding.** The commission shall deal with a classification petition by conducting an expedited proceeding under Minnesota Statutes, section 237.61, or by referring the matter for a contested case proceeding.

Subp. 11. **Time frame for disposition; expedited proceeding.** When the filing utility requests an expedited proceeding on its classification petition, the commission shall take final action within 60 days of the date on which the utility provides the substantive information required by statute, unless the commission finds at least one issue of material fact in dispute and refers the matter for a contested case proceeding within the same 60-day period.

Subp. 12. **Time frame for disposition; contested case proceeding.** When the commission conducts a contested case proceeding, it shall take final action within eight months of the utility's request for a contested case proceeding or the commission's order that contested case proceedings be held, whichever occurs earlier.

Subp. 13. **Extending disposition period.** The commission may extend the eight-month time frame set forth in subpart 12 with the agreement of all parties or upon a finding that the case cannot be completed within the required time and that there is a substantial probability that the public interest would be harmed by enforcing the eight-month time frame.

Statutory Authority: *MS s 216A.05*

History: *19 SR 116*

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